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FILED
SCRANTON

AUG 21 2024

PER

DEPUTY CLERK

1:CV-24-1415

State Tort Claim

Aug, 15, 2024

time 1:00PM

Enio f.co Zaragoza 093127 (plaintiff)

v.

Claim No.

Dauphin County Bureau of
Police Department

(Defendant)

☒ Demand for Jury trial

Claimant Enio f.co Zaragoza, appearing prose, complaining of defendant the state of Pennsylvania, alleges the following:

1) 501 Mall RD Harrisburg PA 17111 address of claimant herein is.

2) This claim is for negligence of the state [for failure to adequately maintain the proper procedure within the scope of duty in Dauphin County Bureau on the 3rd to the 7th day of September 2022, So as to cause serious injury to the claimant Enio Zaragoza 093127]

1) It was the duty of the defendant state of Pennsylvania bureau of Police to maintain the proper procedure and duty, when dealing with a detainee, who is under duress and primitive stage of major surgery. Violating multiples civilian laws and inhuman behavior; also a detainee and citizen of the United State rights from Holy Spirit hospital in Camp hill to Dauphin County Bureau of Police, than transportation to Dauphin County Central Booking.

(2)

4) On and prior 3rd day of September, 2022, the defendant disregard its duty to serve and protect by negligent and carelessly causing by their action of negligence; pain physically and emotionally; handle a U.S. citizen detainee in such a manner that it was an animal domestic or wild. It definitely cruelty to animals even the ABC news would it make a report. But deny my complain on a report.

5) By the evidence from my factual allegations of various claims of police misconduct towards their lack of professionalism on their negligence improperly and dangerously handling me in a unsafe manner, which cause "I I E O" which applies 100% if the claimant have an injury. Well on this claim is obvious I was from September 3rd to the 7th day, only 4 days from major abdomen surgery being handle like I had just twisted my ankle no, I'm internal bleeding anemic, abdomen staples 30 to keep me together. 2,000 Milliliters of loss blood.

6) As a result of this incident, claimant has suffered permanent disability unless is surgically treaty to fix my three hernia that has develope during this time.

7) Instead of waitting for the proper time to heal in order to take me to the police station for interrogation which this case is still open.

8) (IIED) Intentional Infliction of Emotional Distress this tort arises when someone purposefully does something outrageous makes you feel very upset under the law of most states, an IIED claim requires a showing that the defendant acted in a way that is extreme or outrageous for the purpose of causing emotional distress

2) The plaintiff actually suffered severe or extreme emotional distress; and.

3) The defendant conduct caused the emotional distress.

b) The conduct really must be outrageous and extreme. (c) One successful example of an IIED claim is *Schmidt v. Odell*, 64 F. Supp. 2d 1014 (D. Kan. 1999) where a prisoner who had both legs amputated was not given a wheel chair or other accommodation by the department, and thus had to crawl around on the floor.

4) One exception for monetary larger amount is my injuries have gotten a lot worse since the time I file my citizen's complaint on 2022

a) I file a citizen's complaint on 2022 Internal affairs detective Jane Doe came to visit me with a complaint log ID number. And I requested the body camera recordings from the Hospital while Jane Doe sign the hospital release papers.

b) I also file another citizen's complaint on June, 2024 concerning the previous investigation. Still no response; So I wrote Internal affairs from Dauphin County Prison to assist me with the complaint updates.

- c) Internal Affairs call me to speak with me prior to Internal Affairs Kevin Myers who I spoke back on 2023 and now to Internal Affairs Sayble about the issue, his comment was The police department did not wanted to babysit you, So they drop the load off on us. After I explain my allegations to him he repeatedly said they wasn't suppose to take you out the hospital.
- d) And Central booking was not suppose to receive you, they were suppose to deny you and take you back to the hospital were they had the proper medical treatment.

Claims

- a) Medical past and future expenses
- b) physical and emotional distress pain
- c) ambulance and transportation cost past and future ones from next surgery
- d) medical expenses on appointment + medication, transportation back and forth, therapy physical and emotional and psychological treatment.
- e) Lost of earnings
- f) Claimant was suited on being:
 - a) Bandsaw operator, machine operator, Warehouse experience
 - b) machine operator Lift, electric jack, scanner: order selector
 - c) Basic electricity oriented experienced college and Personal trainer
- on Arizona college online certification courses with those capacity I'm not able to do what I love enjoy doing as for work I believe I'm in title to compensation for all those lost of future revenues

Claims

- 1) violation of amendments, by the Bureau of Police everytime I complain they constantly deprive me from freedom of speech on my complain of pain did not listen to me by ignoring me.
- 2) 1st amendment.
- 3) 4th amendment against me almost dying the police instead of helping for me to leave they were searching through pockets to try and find drugs; to have as an excuse the cause of death or crime justification.
- 4) Due process law - interrogation while on duress using me to compelled to be a witness against myself.
- 5) 8th amendment = Cruel and unusual punishment infliction; wanton unnecessary infliction, by the way the bureau operated the procedure.
- 6) 9th amendment = Civil rights action against city police the grounds on the bureau violation my civil rights they violated this amendment.
- 7) Deprive any person of life, without due process of law to deny equal protection: by committing;
 - a) negligence; medical negligence; due process of law; Deliberate of indifference; cruel and unusual punishment: violation of my civil rights

(6)

Notice of intention to file this claim was served to the attorney general office the 10 day of the month of august 2024 within the statute of limitation

a) As still injuries had occur past the time of the incident, I believe the statute of limitation are constantly running.

b) This claim is filed within years after the claim accrued, as required by law.

c) This action is filed pursuant to section of the court of Claims Act.

Wherefore, claimant respectfully request judgment against the defendant Monetary relief, will like to discuss the cost claim

a) negligence

b) Medical malpractice

c) due process of law

e) Intentional Infliction of Emotional Distress

f) deliberate indifference

g) cruel and unusual punishment

h) Bill of Rights violation

Claimant
Enio Jaraquez

B

Relief claim

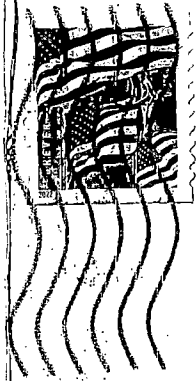
With the permission of the court, after, we have past the requirements for a jury or discovery that your honor have all the facts that its require to believe me than I have everything from expenses to losses ect.

a) If Im mistaken I plead the courts to please understand I have very little knowledge of law, next to an attorney wish I wish I had one and Im in the process of it. To find an attorney waitting on response.

Ernie J. Jorgensen

August 15, 2024

time 1:00 PM



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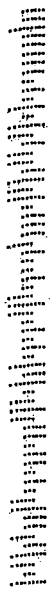
NAME: Carlo Zaragoza
D.C.P. # 093127
DAUPHIN COUNTY PRISON
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HARRISBURG, PA 17111-1206

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United State District Court
Middle District of PA
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